



IMPLEMENTATION OF THE HELSINKI ACCORDS

Y 4. SE 2:103-1-4

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HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED THIRD CONGRESS FIRST SESSION

WAR CRIMES IN THE FORMER YUGOSLAVIA

FEBRUARY 25, 1993

Printed for the use of the
Commission on Security and Cooperation in Europe

[CSCE 103-1-4]



OCT 25 1993

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CONTENTS

WITNESSES

	Page
Bianca Jagger	4
Feryal Gharahi	7

APPENDIX

Hon. Edward J. Markey, Commissioner, prepared statement	17
Hon. Dennis DeConcini, Chairman, opening statement.....	19
Hon. Steny H. Hoyer, Co-Chairman, opening statement	20
Hon. Frank R. Lautenberg, Commissioner, prepared statement including copy of S. Res. 35	21
Hon. Madeleine K. Albright, U.S. Representative to the United Nations, letter dated February 1, 1993, from Hon. Frank R. Lautenberg	29
Hon. Louise M. Slaughter, a Representative in Congress From the State of New York, prepared statement	34
Hon. Rosa L. DeLauro, a Representative in Congress From the State of Connecticut, prepared statement	36
Bianca Jagger, prepared statement.....	37
EC Investigative Mission Into the Treatment of Muslim Women in the Former Yugoslavia: Report to EC Foreign Ministers	42

(III)

WAR CRIMES IN THE FORMER YUGOSLAVIA

THURSDAY, FEBRUARY 25, 1993.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, DC.

The Commission met, pursuant to notice, in room 138, Senate Dirksen Office Building, Constitution Avenue and First Street, NE, at 12:43 p.m., Hon. Steny H. Hoyer, Co-Chairman, presiding.

Present: Senator Dennis DeConcini, Chairman, Representative Steny Hoyer, Co-Chairman, Senator Frank Lautenberg, Representatives Chris Smith, Frank McCloskey, and Edward Markey.

Also present: Representatives Louise Slaughter and Rosa DeLauro.

Mr. HOYER. The Commission will please come to order. Senator DeConcini is on his way, and we hope to have him here momentarily.

Last month, at the Helsinki Commission's first hearing of this year on the ongoing conflict in the former Yugoslavia, we heard compelling testimony regarding war crimes and the humanitarian relief efforts directed at ameliorating widespread suffering. Today, we revisit this issue, with special focus on the crime of systematic rape and forced impregnation.

As Dame Warburton concluded in her report on this issue for the European Community, "Given the manner in which, and the scale on which, rape is perpetrated in the Bosnia-Herzegovina conflict, it outrages personal dignity, is a particularly humiliating and degrading treatment, and a clear form of torture." Numerous observers have already concluded that abuse perpetrated in such a manner can only be a part of an intentional campaign. Even more chilling was the confirmation by Dame Warburton that her mission "saw examples of statements and documents from Serbian sources which very clearly put such actions in the context of an expansionist strategy."

Rape, along with other war crimes, must not go unpunished. I am convinced, Senator DeConcini is convinced, and I know the members of this Commission are convinced, as so many others are, that holding war criminals personally accountable for their actions is not only consistent with the standards we have struggled 50 years to establish, but is essential for any long-term prospects of peace in this region. A thirst for vengeance from past wrongs has already given strong impetus to the violence we see today. This violence, I am sad to say, is now passing on a desire for vengeance to new generations that otherwise might have proceeded to build free and prosperous societies. Without giving them both the satisfac-

tion—and deterring example—of justice now, we can be virtually assured that there will be more violence in the future.

We have two distinguished guests with us. Our first speaker today will be Bianca Jagger, known internationally for her commitment to human rights and individuals. She has just returned from Croatia and Bosnia. Ms. Jagger participated in a mission sponsored by Equality Now, a non-governmental human rights group dedicated to the promotion of women's rights around the world.

And our second speaker today is Ms. Gharabi, a criminal defense attorney who serves as the Vice Chair of the Board of Directors of Equality Now. She joined Ms. Jagger on their mission to the former Yugoslavia.

I want to say on behalf of the Commission how very much we appreciate the courage and the commitment of both of you, as we believe we are very much part of the same effort to bring not only to the attention of the world that which is going on, but to facilitate action to prohibit and to prescribe that which is going on, and to give relief to the victims of the atrocities that you've been testifying to and witnessing.

At this time, I will recognize Senator Lautenberg for any statement that he would like to make.

Senator LAUTENBERG. Mr. Chairman, in the interest of time and out of courtesy to our two distinguished witnesses, I would relinquish the opportunity to make a full statement, ask that my statement be included in the record, and just to say a few words if that's acceptable.

One is that we are delighted that you are here. We want to hear from you directly. I visited Croatia some months ago and met with victims of this kind of aggression. Few things are more horrible than the degradation and the assault on character that takes place, with the design scheme of rape. In the former Yugoslavia, rape is used as a tool of warfare to humiliate a whole community, a whole country. It is the ugliest of things. Every one of us rebels inwardly when we hear about the attacks.

In Croatia, I met with a woman who said a 12-year-old child, a girl, was taken off the bus they were on, as they were being transported from Bosnia to Croatia, and raped publicly in front of everybody. This kind of abuse is outrageous.

I have introduced a resolution, which is pending in the Senate Foreign Relations Committee, with 38 sponsors, condemning rape as a tool of warfare, calling it an international crime against humanity, and urging that its perpetrators be prosecuted in an international war crimes tribunal. I hope the Senate will act on this resolution soon.

I have sent another letter to Secretary Christopher, with Senator Dole, including 17 other signatories, requesting rape counseling assistance, advice, and help for victims, and asking Madeleine Albright, our Ambassador at the U.N., to bring the full force of the U.N. to bear against this.

So, I thank you very much, Mr. Chairman. Once again, I welcome these witnesses.

Mr. HOYER. Thank you very much, Senator.

Senator DeConcini has now joined us. He has asked me to continue to chair the hearing, however, he is fully committed to this effort, but his voice has left him.

Senator LAUTENBERG. Aw, that's too bad.

Mr. HOYER. Congressman Smith, who is the ranking Republican member and, I might say, a great activist on behalf of human rights, who has visited himself the former Yugoslavia, Bosnia, on numerous occasions.

Mr. SMITH. Thank you very much, Mr. Chairman. Very briefly, I want to welcome our very distinguished witnesses, and thank you in advance for the work that you're doing on behalf of women, and human rights in general.

It seems to me that rape in Bosnia is a tool of Serbian state policy, which is an outrage of the worst and the most abominable kind. Rape is an abomination against humanity, and obviously against women. Rape is a hideous form of torture, and I believe Congress and all people of good will ought to make it very clear to the Serbs and to anyone else who practices this kind of torture, that it will not be tolerated.

And for the victims, our hearts and our compassion must be ever present to provide tangible means of helping them during this difficult crisis. As the War Crimes Commission is established and the United Nations creates the framework for such a prosecution in the not too distant future, I hope that those who have perpetrated these crimes against women will be at the top of the list. I thank you, Mr. Chairman.

Mr. HOYER. Thank you. Now, we have Ms. Jagger and Ms. Gharabi. We have two members of Congress who are not members of the Commission, but who have joined us because of their deep and abiding in this issue and, frankly, because of their great interest in hearing your testimony. I'd like to recognize them briefly, before recognizing the two of you. Congresswoman Slaughter, from new York.

Ms. SLAUGHTER. Thank you, Mr. Chairman. I will be brief. I would ask that my statement be included in the record.

Mr. HOYER. Without objection, we will include your statement, as we will include the statements of Senator Lautenberg and Senator DeConcini.

Ms. SLAUGHTER. Just one brief note that yesterday, in Congress, in the House, we introduced a bill on violence against women. I understand that historically the bodies of women and girls have been used throughout history to settle disputes, as spoils of war, anger, and at times in the United States now, to settle anguish over loss of jobs. The child abuse and spouse abuse rates always go up.

It's high time in some kind of civilized world that we change that. So, as Ms. DeLauro and I are here, we want to understand that your American sisters are standing very closely and very nearby to our sisters in Bosnia-Herzegovina and other parts of the world where women are being tortured and abused. We congratulate you for your courage, I know going in there at a time when the shooting is going on, took a great deal of commitment on your part and, for that, I thank you.

Mr. HOYER. The chair would like to recognize Rosa DeLauro, from the State of Connecticut, not unused to being on the Senate

side, having formerly run Senator Dodd's office before the people of Connecticut sent her here in her own right. Rosa DeLauro.

Ms. DELAUBO. Thank you, Mr. Chairman. It's a pleasure to be here, and I too would like to have my full statement made a part of the record.

Mr. HOYER. Without objection.

Ms. DELAUBO. I welcome our witnesses here today in a saddened way. I wish we did not have to have today's hearing, but I applaud your work and your courage. Ms. Gharabi, I don't know you, but I do know Ms. Jagger and, Ms. Jagger, your work on behalf of people everywhere. And once again, you are at the forefront of an effort that has a crying need to be in the public eye, and I await your testimony, and I think that what we need to do every day is to call attention to this issue until we have some resolution, some movement, some action in order to help women and girls in Bosnia.

And as my colleague, Ms. Slaughter, said, please know that you have very strong support up here, and we want to make sure that we're able to provide the support—not only the support, but as the other members of the committee here today have said—to try to see if we can do something about this outrage and this tragedy. Thank you for being here today.

Mr. HOYER. Thank you, Congresswoman DeLauro. Congressman McCloskey, whom I think you both have met before, is here, is not going to make an opening statement because he wanted to hear from you, but has been, as you know, one of the strongest voices in this country, on behalf of an activist policy to engage the tyranny and abuse that is being perpetrated.

Now, it gives me a great deal of pleasure to recognize for such statement as you would like to make, Bianca Jagger.

TESTIMONY OF BIANCA JAGGER

Ms. JAGGER. Thank you so much for giving me the opportunity to bring you my views on what's happening in former Yugoslavia. My trip began against a backdrop of shelling of Bosnia-Herzegovina. By the time my trip ended, the shelling had intensified.

I am going to present an overview of what I saw during the 11 days I was there. I will not only focus my statement on the rape cases of women, I will also speak to you about the ongoing suffering of the civilian population in Bosnia-Herzegovina.

I traveled throughout Croatia, Bosnia-Herzegovina, and Serbian-occupied territories with the United Nations High Commissioner for Refugees (UNHCR) personnel. For months now, the UNHCR, United Nations staff and NGOs have been risking their lives in former Yugoslavia to deliver humanitarian assistance to more than 3 million refugees and besieged, displaced residents in the middle of a war. I want to relay to you an incident that was extensively documented by the media as to why Mrs. Ogata, the High Commissioner for Refugees, partially suspended the relief services to Bosnia-Herzegovina.

For several months, Muslim people in the eastern pockets of Bosnia have not been able to receive humanitarian aid because Serbian forces have stopped them. In early January, 5,000 civilians on the brink of starvation, some losing their toes and fingers due to

frostbite, were forced to evacuate Cerska by foot along frozen paths through the hills. An unknown number died en route. This is the strategy of "ethnic cleansing"—to shell and starve the civilian population.

Mrs. Ogata condemned the Bosnian-Serb police for denying humanitarian convoys access to besieged enclaves. In a letter to the leader of the Bosnian Serbs, Radovan Karadzic, Mrs. Ogata said UNHCR had been pressing for weeks for clearance to deliver aid to the enclaves where civilians "are suffering untold hardship due to the military blockade. Victims do have a right to receive international assistance in their place of residence." Mrs. Ogata reminded Dr. Karadzic of his repeated assurances that humanitarian convoys would be guaranteed unhindered safe passage.

In an attempt to draw world attention to the suffering of the inhabitants, the Bosnian government and the local authorities decided to refuse the distribution of food and medicine to the people of the besieged city of Sarajevo. The decision of Mrs. Ogata to suspend virtually all humanitarian relief to Bosnia-Herzegovina was a desperate step that reflects a desperate reality. It was a success, but unfortunately only a temporary success. In my view, the UNHCR acted in this way because it is not possible to carry out the agency's crucial humanitarian tasks solely by humanitarian means. The UNPROFOR deployment is not able to maintain an open corridor for the passage of humanitarian assistance, even under the new mandate of article 7, due to the woefully inadequate force level. No UN mandate can solve the problem unless the international community is prepared to implement Security Council Resolution 770, use of all necessary means, to deliver humanitarian aid.

It is all an academic discussion that should end because while these discussions go on, there are people who are dying every day.

Let me review the story of these many months of negotiations for which the London Conference did produce an agreement. The agreement was designed to guarantee the minimal conditions for the survival of the citizens of Bosnia-Herzegovina. The Geneva talks were to begin as the provisions agreed to in London were to be implemented. Foremost amongst these provisions were establishing an air-exclusion zone; securing the humanitarian corridors; placing heavy weapons under international control; and putting an end to ethnic cleansing.

Failure to implement these steps will leave no other recourse than to lift the arms embargo so that the Bosnians can exercise their right to self defense in accordance with the UN Charter.

If I might say so, the number of UN forces must be increased to ensure that humanitarian aid will be distributed and that all humanitarian corridors will remain open. What we are doing while continuing to negotiate is buying time while a whole nation is being decimated.

For quite some time, I've been working in Central America and have witnessed and heard some pretty atrocious accounts about human rights violations, including violations against women. I have never witnessed anything comparable to what I saw in Croatia, in Bosnia-Herzegovina.

There is a very important issue—the issue of accountability. Unless we hold the criminals accountable, we will not be able to exonerate the innocent.

We must not condemn the whole Serbian nation. That is why establishing a war crimes tribunal is crucial. And I hope this will not be one more academic discussion that will go on for months, while women continue to be raped, civilians continue to be killed, and children continue to be the victims of this war.

I would like to say a few words about the Vance-Owen plan. We know by now, after months of negotiations, that the Vance-Owen plan is flawed. I have spoken to many politicians who will, in private, admit to me, "Yes, we agree that it is flawed."

The Vance-Owen plan holds no real promise of peace, and I dare say it holds the seeds of renewed violence and terror. The plan has been conceived solely on ethnic criterion. The regions have been divided according to race predominance. The Vance-Owen plan overlooks geographic, historic, economic, and cultural factors. Instead of responding to naked aggression, the UN-sponsored process has increasingly delivered a series of concessions and rewards to the aggressor, further victimizing the victims.

Secretary Warren Christopher's statement was unfortunately perceived by Serbians as a green light for escalating the aggression and besieging the civilian population of Bosnia-Herzegovina with increased brutality. The Bosnian Government and Muslim people perceived the Secretary's statement as a signal that the world has forsaken them and that all they have left is to die with dignity. Over and over again in the most remote places, in refugee camps, in hospitals and in Sarajevo, men, women, and children ask me, "Why has President Clinton forgotten us?" I told them repeatedly that I was certain that President Clinton and the American people have not forgotten them.

I am here because I believe in the American system and I know that you can make a difference. I know that you can take the necessary steps to end the conflict in Bosnia-Herzegovina. We can no longer continue to support a peace plan that no one is willing to sign. And even in the event that all three parties were to sign, we all know fundamentally it is a flawed plan. There is no question in my mind that the mass rapes that have taken place in Bosnia-Herzegovina are part of a systematic plan of ethnic cleansing. And I do not accept the accusations made by some people that the atrocities are on all sides. Yes, like in all wars, there are atrocities on all sides, but the scale and the systematic policy of the Serbian government against women, to denigrate them, to destroy the nucleus of the family are all part of a strategy—a strategy of terror, a strategy of death. Thank you very much.

Mr. HOYER. Thank you very much, Ms. Jagger, for your testimony. It, as always, was moving and to the point, and reflective of your deep commitment. Thank you very much.

Ms. Gharabi, we again appreciate your being with us, and look forward to hearing from you.

TESTIMONY OF FERYAL GHARAHİ

Ms. GHARAHİ. Thank you, sir. Mr. Chairman, distinguished members of the Commission, on behalf of Equality Now, I would like to thank you for the opportunity to testify here today.

I have just returned from Bosnia-Herzegovina. I spoke with hundreds of survivors of rape camps and concentration camps. Women are being raped and killed systematically just because they are Muslim, as I am.

There are rape camps all over the country. Thousands of women are pregnant as a result of these rapes. Over and over again, everywhere I went in Bosnia-Herzegovina and in Croatian refugee camps, women told me stories of abominations, of being kept in a room, raped repeatedly, and told that they would be held until they give birth to Serbian children.

I heard stories of men being raped, of forced incest, fathers forced to rape daughters, brothers forced to rape sisters. There is a deliberate and systematic campaign being carried out by the Serbian forces, to destroy the family structure and the reproductive potential of a nation.

My eyes and my ears were burned by what I saw and what I heard. In Bosnia, I met a woman from Miliavania. She told me that when the Serbian forces came to Miliavania, they turned the local gymnasium into a rape camp. Families were separated. Men were sent to concentration camps. Women and children were being kept in the gymnasium.

All the women and girls in the gymnasium were raped in the first few days. In the camp that was set up by the Serbian forces in Miliavania, there was an old Serbian guard, a retired coalminer named Luko Elis, who particularly liked to rape children between the ages of 10 and 15.

A 10-year-old girl in this camp was taken away every night to be raped, and brought back to her mother in the morning, bloodied and battered. Women and girls were raped at knife-point, and if they resisted their throats were slit.

We hear these stories in the media, and yet they don't motivate us to take effective action. How do we sound the alarm? If the pictures and voices over the airways have not been enough, we hope that the actual presence of witnesses will bring home the reality of what's happening in Bosnia-Herzegovina.

There are two Bosnian Muslim women here today, who have suffered unspeakable atrocities. They are so destroyed by what happened to them that they cannot speak about it. They have asked me to speak on their behalf. I find I can barely repeat to you what they told me.

One of them was kept in a warehouse with a hundred other women, for six months. In this warehouse, she was gang-raped repeatedly by Serbian forces. The youngest girl in this warehouse was 13, the oldest woman was 60. They were all raped again and again.

The other woman here was raped by six Serbian soldiers, two of whom she recognized as former neighbors. She was raped until she lost consciousness. Now she is eight and a half months' pregnant as a result of this rape.

To protect her family, she sent her 11-year-old daughter and her husband away, thinking that they were in greater danger than she was. Her husband doesn't know she is pregnant. She will never tell him.

As I tell you these stories, more stories are in the making in Bosnia-Herzegovina. Mass rape and forced pregnancies are part of the Serbian genocidal ethnic cleansing policy, which is carried out under order. We know this because Serbian forces tell women they rape that they will bear Serbian babies. And when they become pregnant as a result of these rapes, they are kept until it is too late to terminate the pregnancy.

Women and men are separated, homes are destroyed. Through rape and forced incest, they destroy their very ties to each other.

We are witnessing a genocide. A holocaust is unfolding before our very eyes, designed to destroy a family, a community, an entire people. We must take action to stop the rapes, the killing, the genocide.

We talk about a war crimes tribunal and, at the same time, we are inviting the criminals to engage in peace talks at the United Nations. We must try the criminals, but first we must stop the crimes. Radovan Karadzic and other Serbian leaders are directly responsible for these unspeakable atrocities. Every day that goes by means more lives utterly destroyed, innocent lives destroyed.

We have one goal—stop the atrocities. Effective action must be taken to stop the rapes and killing of innocent people. Imagine your gym, the warehouse that you pass on the way to work. These are rape camps in Bosnia-Herzegovina. Women like you, like your wives, sisters, daughters, are kept in these camps at this moment. People are being annihilated. We must try to save their lives.

After World War II, we said "Never again." I am ashamed to witness that "never again" means so little. Once again, a people of faith are being driven out of Europe, put in concentration camps, tortured, starved, raped, killed.

The West has not allowed Bosnians to be armed. They have imposed and are enforcing an arms embargo against the Bosnians only. They are putting the gunless before the Serbian guns, and they have a responsibility to protect these people.

On behalf of Equality Now and as a Muslim on behalf of my people, I call on the U.S. Congress and on President Clinton, to take action for immediate and unconditional closing down of all the rape camps and the concentration camps in Bosnia-Herzegovina, and to stop this genocide.

This is a moral imperative of our time. Anything less, to do less, is to set a historical precedent that cannot be allowed. We are calling on the U.S. Government, on all governments and the United Nations, to listen to the Bosnian women, who cannot bear to speak publicly about what happened to them, to hear their desperate cries for help, and to respond with immediate and effective action. Thank you very much.

Mr. HOYER. Thank you very much, Ms. Gharabi. I know that everybody who listened to your testimony as you related the experiences of the individuals involved, as well as collectively, young girls as young, I think, as ten, and perhaps younger, you mentioned.

Let me ask two questions because our time is brief and I want to let others ask questions. I will ask only two. One deals generally with the observation, Ms. Jagger, that you made.

Is it generally the perception of those you talked to in Yugoslavia, that Secretary Christopher's remarks endorsed the Vance-Owen plan, whether the United States is in favor of the Vance-Owen plan?

Ms. JAGGER. I think what happened was that the people of Bosnia-Herzegovina had held such high expectations in regard to the United States' future involvement and, maybe wrongly, perceived the speech of Secretary of State Christopher as a sign that the United States was turning their back on them. And sadly enough as well, I may say, the Serbians perceived it as a green light for them to increase their aggression and their ethnic cleansing policy, not even allowing convoys to enter the eastern pockets of Bosnia-Herzegovina.

Mr. HOYER. Second and last question, again only because of time, because we have some things that we want to do as well, after the hearing, Ms. Gharahi, the camps themselves, how confident are you that we have those camps identified, and are there new camps being created now, to perpetrate the sexual offenses, the rapes and the assaults, that you have spoken of?

Ms. GHARAH. Mr. Chairman, as I spoke with literally hundreds of survivors of these camps from many different parts of Bosnia-Herzegovina, they were telling me the almost identical stories, that these rape camps are actually in existence, they are in all parts of the Bosnian territory held by the Serbian forces, and as the Serbian forces gain more and more territory, they set up more and more of these rape camps and the concentration camps.

Mr. HOYER. Have you compiled a list of those camps?

Ms. GHARAH. United Nations, the High Commission for Refugees, has a complete list of those rape camps, and I would be glad to provide you with one.

Mr. HOYER. Thank you. We would like to have the list because we want to follow up on the specific list as well.

Again, this is not, unfortunately, an item without precedent. In the experience of this nation, in particular in the west, the Second World War, camps were known about, but not acted upon. We ought not to let that happen again. That's what you're saying, and this Commission certainly agrees.

Ms. JAGGER. I would like to introduce for the record a book of research done in Bosnia-Herzegovina containing the names of the rape camps as well as concentration camps.

Mr. HOYER. Thank you. We'll be glad to receive it. Senator Lautenberg?

Senator LAUTENBERG. Thank you very much, Mr. Chairman. Thank each one of you for bringing the information that you have to this forum, to this committee. Your statements are compelling and shocking. Ms. Gharahi, when you translate that to my daughters and my family, and ask how we would feel, there is no doubt about the revulsion that each one of us feels as we contemplate the horror that these people are going through. It's an outrage against humanity, it's an outrage against these individuals.

I would ask, first, since we can't immediately stop the outrageous behavior of the Serbian forces have either of you seen any attempt to counsel or to treat these rape victims, so that they might have a chance to recover from these horrible incidents? Is that something you think ought to be done? I mean, they've already been abused. They've already been assaulted. Is there anything that you see that (a) we should do, or (b) that we have done?

Ms. GHARAH. Absolutely. I believe that the contribution to UNHCR must be increased for their gallant work, and to enable them to have these counseling centers, or people with the expertise in the area, to talk to these people because the survivors have been completely stripped of all human dignity. They have been completely dehumanized. They need help, and none is provided. They are not even—

Senator LAUTENBERG. None is provided, you say?

Ms. GHARAH. No, sir, and they are not even safe in the refugee camps in Croatia.

Ms. SLAUGHTER. Ms. Jagger, you said something that raised a very serious question. Has America forgotten? I can't defend inaction wherever it takes place, but I think America has been, as I see it, the most aggressive in its concern and its desire to do something. We heard statements from the President just very recently, saying we're going to try to get humanitarian supplies in there, and I think it was fairly bold.

The U.N., I think, has been more or less stalemated. You raised the question about more forces. When I was there, I met with the commander of the U.N. forces, and there's high risk to some of those people. We've seen some of them already killed. They are undermanned and undergunned. They don't carry—they don't have the heavy weapons that the Serbian forces have, or that the other forces have. There is retaliation.

I would say this, that if you spent time in Central, Latin America. If these atrocities were taking place just south of our border, we wouldn't be looking to West Germany to help us solve it. I think we'd be much more aggressive about it. And I wish that our friends in Europe, who are under siege—the refugees are pouring in, there's all kinds of risk to the stability of the region, the stability of the continent—but I wish that they would become more aggressive in their interest in stopping this.

If you had your choice, what would you have the United States do?

Ms. JAGGER. A point must be made about the unfair situation of the Muslim Bosnians. There is no balance of power, between the army of the Serbs and the army of the Bosnian Muslims. We cannot continue to allow that. All the heavy weapons have to be impounded, if that is feasible.

Senator LAUTENBERG. How do we do that?

Ms. JAGGER. We have to lift the arms embargos and allow the Bosnian Muslims to defend themselves because every nation should have the right to defend itself.

I know that there is some danger in doing that. I have never been an advocate of American intervention and I am also aware of the risk of a long term involvement.

But I really feel that the only way that we can effectively make a change is if more forces, which will include U.S. troops, will be sent to former Yugoslavia, which will not necessarily be other than for the purpose of acting as a peace-keeping force. I want to give an example.

I was in Bihac, which is an area between Croatian and Serbian territories. It's almost enclosed like the eastern pocket.

I traveled there with a member of the UNHCR personnel. The shortest road through Karlovac was closed. We drove for a few hours through Krajina, which is a Serbian-occupied territory, formerly Croatian. It was quite scary. It's one thing to hear a description by the refugees about the killings, the burning of the homes and how they were forced to flee their villages. It's another thing to be there and see the areas that were burned and destroyed. And when you begin to put the puzzle together, you begin to see the whole story before your eyes.

I left that place the following day. In the morning, I videotaped a convoy of 11 trucks driven by Bosnian drivers, which were subcontracted by the UNHCR. That morning, they left at 8:30 a.m. and I departed at 11:30 a.m.

When we arrived to the last checking point in Serbian-occupied territory, the trucks were all lined up and were being searched. They found some money and some letters in the trucks. They detained us for 5 hours and interrogated everyone. We had with us 15 soldiers. Those 15 soldiers didn't even have radio equipment that could put them in contact with their headquarters in Zagreb to inform them that we were detained.

I asked what they could do if the Serbs decided to detain us all and they had no answer. There were only 15 soldiers not very well equipped. Finally, the Serbs let the soldiers go and they kindly took me out of there. The 11 men are still in detention. The Serbs have not pressed charges against them.

And I am just mentioning this incident because I wanted to let you know the UNPROFOR, as it stands, cannot fulfill Mandate Number Six or Mandate Number Seven. Therefore, the only way to ensure that at least the humanitarian aid will reach its proper destination is if more soldiers are sent from the United Nations. And I hope that among them will be U.S. troops.

I agree with you with respect to Europe. It is sad, that the Europeans have drawn a line and have decided that Eastern Europe, or that Bosnia-Herzegovina does not belong to Europe, and I cannot believe that once again, in the same century, a holocaust and a genocide is taking place, 1 hour from Zurich, and that the world is not doing anything about it. That's why I am delivering the message "these people really need you."

Senator LAUTENBERG. Thank you, Mr. Chairman. Thank you. I have some questions, I wonder whether it's possible to get a response in writing?

Mr. HOYER. The staff, Senator, will work with our witnesses. They don't have the logistics that they otherwise would have, but we're working trying to get answers and communication. Maybe we'll interview them and ask them.

Senator LAUTENBERG. Thank you.

Mr. HOYER. I want to say, and I want to apologize to all of our members here, we are running on a very tight time schedule, accommodating Ms. Jagger and Ms. Gharabi. And, so, we need to get out of here by 1:40, which gives us only 12 minutes. So, if I can sort of give each remaining member two minutes—and, Mr. Smith, I apologize for that, but we need to.

Mr. SMITH. That's fine. Thank you very much, Mr. Chairman. Let me say again to our two very distinguished witnesses, thank you for your courage in undertaking this mission and helping to bring this atrocity forward for public scrutiny. Rape camps, it seems to me, are a phenomenon which are straight out of hell. For those women who have suffered this absolute atrocity against them, they need help and assistance, but we also need to prevent others from suffering a similar cruel fate.

Do you know if the United Nations monitors are having any chilling effect on this kind of behavior by the Serbs? And, short of actual use of force which, many of us do believe ought to be done, in a limited version for the sake of moving and protecting humanitarian aid, what will stop the Serbs?

You seem to allude to the use of force, would you comment on that, Ms. Jagger? And, the second point is: will the U.N. rapporteur and other teams have access to these rape camps, or will they only find out about it after-the-fact? How do we get in and find out where these camps are, identify people on the ground, which would hopefully stop this from happening?

Ms. JAGGER. There have been a lot of human rights groups who have done studies on the rapes. I think that we must not procrastinate and simply continue to gather information while the rapes and the atrocities continue to take place. It is very important that the issue of the war crimes tribunal does not become just an academic discussion. We must do everything in our power to effectively stop the rapes and the atrocities.

I am not for military intervention, but I am leaning towards it because I think we need to explore every other alternative before we get to that point. But we have to send a clear signal that the West is not going to allow this genocide to go on.

Mr. SMITH. And as of today, that signal has not been sent?

Ms. JAGGER. Has it been sent?

Mr. SMITH. Has not been.

Ms. JAGGER. No, it has not.

Mr. SMITH. Thank you.

Mr. HOYER. Ms. Jagger, I agree with you that armed conflict is not certainly a policy that we ought to say is our policy, and you came very close to it when you said "but," and then you trailed off.

Ultimately, if Milosevic, as tyrants in history have shown us, don't believe that we will ultimately act with our forces if we cannot bring civility and adherence to international law by other preferable means, they will continue their pattern of conduct.

Ms. JAGGER. I must say that contrary to all my convictions, in this particular case I probably will say yes, we have to intervene, even if it means by force.

Mr. HOYER. Thank you. Ms. Slaughter? Congresswoman Slaughter.

Ms. SLAUGHTER. Thank you, Mr. Chairman. I will be very brief, but I would just like something on the record, if I could, about rape.

All the counseling in the world never erases the degradation and the memory. And we are successful sometimes, in isolated cases of rape, but I don't want us to confuse that in any way with what's going on in former Yugoslavia.

There isn't anything we can do for these women right now because, as far as they know, it starts again tomorrow. And one other thing, we must remember even when we talk about trying to get counseling for them, that this again is going to be the most under-reported crime, even if we can classify it as a war crime, it's very difficult for women and children to come forward and discuss what happened to them because of the branding, to some degree, that society places on them.

And while I would like to think that somehow when this is all over, we could get them all together and counsel them and they would be fine and could go on with some sort of life, I agree with you that the only way in the world that we can save the women who are left who have not been put through this degradation is to stop it, so that from henceforth, the women and young girls in that country will not be subjected to what is the cruelest kind of humiliation and, without any question, the systematic rape of women and girls in order to destroy the family and destroy them, is one of the most diabolical and awful things that I think we've lived through in this century.

And I think that anything less than just making sure that those women will be safe, and those little girls, will not suffice. We can't take refuge by the fact that we're going to try to get them counseling at some future date, and try to make it all feel better and go away, it just doesn't work that way. And I think that needs to be said here on the record, that there will be, for those victims already, very little relief in their lives until the day they die. They can relive that over and over again. And that's been the fate of women since the world began, and it's high time that we stopped it.

Mr. HOYER. Ms. DeLauro?

Ms. DELAUR. I, too, will be brief, and I thank you for your courage and for your statements.

Ms. Gharabi, you talked about the Security Council and a move to an international war crimes tribunal. I also do not want a delay in what needs to occur. But I want to ask the question so that we don't delay, and we don't run into what we ran into in Nuremberg, and that is, who gave the orders.

What is being done in terms of identifying those that are responsible and building a case against them. How do we find out who gave the orders so we don't find ourselves in the situation that says, "I had to do this, I was forced to do this," and that we are, in effect, not getting to where we need to go on this issue?

Ms. GHARABI. Congresswoman, the identity of the rapists, in a lot of cases, are known to their victims because they have been former neighbors, colleagues, associates.

The reason we know that the rapes are carried out under order is there have been instances when the Serbian soldiers refused to

rape and they were killed. And these people, they all know each other. They have lived in the same community for years and years.

Ms. DELAURO. Yes, Ms. Jagger?

Ms. JAGGER. I took with me a camera, and often when they described the atrocities, I asked them, "Do you remember the names? Can you tell me?" And they would name the perpetrators. I wanted to introduce a book containing names of perpetrators and names of concentration and rape camps. The Bosnian Muslims have begun to gather information, but we must remember that they cannot hold the criminals accountable until the war is stopped.

Ms. DELAURO. I understand your point of view, and I appreciate that, and I believe that that's the case. But I believe also that we need, not despite, but in view of the horror of the situation, to ensure that groups and organizations who are going there now collect the data and the names necessary, so that we are not left without the information essential for an effective war crimes tribunal. The United Nations says it is moving to try to set up such a vehicle, let's not let it be in a vacuum or without any input.

I don't know the level to which all of the organizations are there now. I am working with Save the Children in my own State of Connecticut. They are there at the moment, and I am going to meet with them when they get back. We cannot abandon the women who are undergoing this now, or the children, and we have an obligation and responsibility to provide some solace for this trauma for these women and children, and to attempt to make sure that these organizations, to the extent that they ought to be coordinated and the resources coordinated do work together so that we are not all going off in a variety of directions. If the effort is not coordinated then we are squandering precious resources. We have to be very systematic in both assisting people at the moment, and collecting the data that's necessary while we move. And I don't know if your view is, Ms. Jagger, that we can ever get to a peaceful solution. I guess that's a question that I have for you as well, or does it just need to be forced?

Ms. JAGGER. Your point is very good and one which I also wanted to make. There are a lot of groups, but they are not working together, and one of my suggestions to make their work more effective is that they all coordinate their efforts. Otherwise, they are subjecting the victims to the same questions over and over again, which is almost like reliving the rape, and being subjected to the same humiliation. That's a very important point that has to be put across.

And you said you had a question?

Ms. DELAURO. Well, I wondered if you thought that we could ever—if Vance-Owen is fatally flawed? Can we ever come to any kind of peace negotiations? Is there any basis on which we can establish the peace negotiations?

Ms. JAGGER. There might be, but there are some steps to be taken, such as enforcing the no-fly zone, impounding all heavy weapons, and if that does not work, lifting of the embargo so that Bosnians can defend themselves. We must also ensure that all humanitarian corridors are open at all times. And finally, we must stop the ethnic cleansing.

Most of all, I would like to emphasize that we must not write off the crimes that have been committed against humanity by the Serbians in order to attain a peace treaty under any circumstances.

Ms. DELAUBRO. Thank you very much. I'm sorry to take so much time, Mr. Chairman.

Mr. HOYER. Congresswoman, we appreciate your being here, and we know of your deep involvement and commitment.

Congressman, we're going to debrief, but we want to give you an opportunity. Congressman McCloskey.

Mr. McCLOSKEY. I thank both our witnesses for their constant efforts and their courage. Maybe just one or two comments. Obviously, I think the whole world right now is looking at the one person who can start a reversal and an improvement in policy on all this, and that is Bill Clinton. I think Bill Clinton has to exert the leadership now that he exerted before the election, particularly in recent days. I've talked with John Major, who was to confer with Mr. Clinton on this yesterday. Mr. Major indicated he would be open to the President's leadership. Also, the Ambassador to the U.S. from Denmark, the presidency of the E.C. the other day said if there were to be a deadline put on adherence to all the London declarations, so to speak, that the E.C. right now would back the President on that, but we all know the President would be taking on much of our own foreign policy establishment and the overwhelming preponderance of the foreign policy establishment in the United States, but I think the more we can do what you two good people are doing, as you are today, to inspire that in this nation, the better.

And I think also, as to some other concerns raised, it's probably an open secret, but I think the word is more or less out that when push comes to shove, the very top of the war criminals, Karadzic, Milosevic, and the bunch like that, they will probably walk. I think they are going to be concentrating on the small fry. Very high ranking military sources in Croatia, and our State Department has told me that the deal is about done, that those people will not be pursued, and that is a massive tragedy in itself. I thank you, Mr. Chairman.

Mr. HOYER. I want to thank both of you, not just for testifying—that's a very, very small but, we think, important part of what you're doing—but what you're doing with time that could be spent in ways that most people would feel was certainly more personally rewarding, is appreciated by us, and I know by millions of people throughout the world, particularly, Ms. Jagger, someone as famous as you are, that brings attention to issues, giving your time and attention, and obviously great compassion and abilities, is a very important contribution. And we thank you for testifying here but, again, more importantly, for what you are doing for so many who cannot speak and draw attention to themselves.

We thank you both, and we look forward to continuing to work with you, without fail, until we succeed in stopping the atrocities, stopping the war, and holding accountable those who have been responsible for so much tragedy. Thank you very much.

[Whereupon, at 1:45 p.m., the Commission was adjourned.]

APPENDIX

Statement of Representative Edward J. Markey

*Commission on Security and Cooperation in Europe
February 25, 1993*

After the extermination of more than six million Jews during World War II, the world community promised that such atrocities would never again take place. Yet tremendous suffering and massive human rights abuses are once more being illustrated for the world, by the warring states of the former Yugoslavia.

All parties to this conflict are guilty of violating the most basic standards of humane conduct and international law. Tens of thousands have been killed and millions have been displaced. There is no way of accurately knowing just how many have suffered human rights abuses.

This horrible war is being waged primarily against non-combatants. As is often the case in situations of war, the most vulnerable populations are the most frequent victims. In its report last month, "Rana u dusi - A wound to the soul", Amnesty International reported that new patterns of human rights abuses directed against refugees have recently become evident. According to this report, refugees are not only being forced to flee their homelands, but are being robbed and otherwise victimized by military forces along the way. The report details the ordeal of refugees in Travnik, Bosnia-Herzegovina:

"Before reaching Muslim-Croat lines the refugees were threatened, assaulted and generally terrorized into handing over their valuables. Some were beaten or knifed if they had nothing to hand over. Many of these had nothing because they had already been robbed. In some cases people, including women and elderly people, were stripped of clothing."

Just as upsetting are numerous reports of heinous violations directed against women, including organized and deliberate sexual abuses and detention for the purpose of rape. Reports of these types of violations are abundant. Worse still, there are no indications that effective measures have been taken in any instance to punish those responsible for such atrocities. Such a situation raises questions as to the role of higher ranking military officers in this type of behavior. There is concern that they may actually not only be condoning these horrible acts, but may be ordering their subordinates to perform them. I intend to ask our witnesses today whether they encountered any evidence to support these implications.

I strongly support President Clinton's plan to involve the United States fully in efforts to resolve this conflict and relieve human suffering in the region. I applaud his recently announced plan to air-drop relief supplies to besieged areas. The United States and other nations must not position themselves on the sidelines while these horrible atrocities are taking place. I also support all efforts to compose an international tribunal to try all those responsible for human rights abuses and war crimes.

I am grateful to our witnesses here today who are bravely employing their terrible ordeals for the purpose of further educating the world community.

STATEMENT OF SENATOR DENNIS DeCONCINI
CHAIRMAN
COMMISSION ON SECURITY AND COOPERATION IN EUROPE
25 February 1993

One of the most sinister aspects of the on-going war in the former Yugoslavia is systematic and widespread rape and sexual abuse of women, young girls, and children. Let there be no doubt -- rape is a war crime. Under all circumstances, the Geneva Conventions prohibit torture and degrading or inhuman punishment. Rape has been extensively used as a weapon in the war in Bosnia-Herzegovina.

A recently released report by Amnesty International found that "all sides have committed these abuses, but that Muslim women have been the chief victims and the main perpetrators have been members of the Serbian armed forces." A European Community team of investigators has estimated that as many as 20,000 Muslim women have been raped. The team noted that some of the rapes were carried out in particularly sadistic ways so as to inflict maximum humiliation on the victims.

We must vigorously pursue the prosecution of those responsible for war crimes, including rape. At the same time, we must not forget the victims and their families. I commend my colleagues and non-governmental organizations who have increased public awareness of the widespread use of rape and sexual abuse in Bosnia-Herzegovina.

Yesterday I introduced legislation, together with Senators Domenici, Mikulski, Lautenberg, Moynihan and Feingold, authorizing the provision of assistance for the victims of war crimes in the former Yugoslavia, including the victims of torture, rape, and other war crimes and the families of such victims. To date there has been no concerted or coordinated effort to provide assistance to the victims of such heinous crimes. We cannot wait for the fighting in Bosnia to stop before responding to this urgent need. The victims of rape and other barbarous act are in desperate need of medical, psychological, psychiatric care, and crisis counseling. The legislation also provides for professional training to other care providers from the region and to rape victims themselves to staff trauma centers in Bosnia and elsewhere in the former Yugoslavia.

I appreciate the willingness of Ms. Jagger and Ms. Gharahi to share their observations following their recent trip to Bosnia-Herzegovina and Croatia, including Serbian-occupied territory. In addition, members of the Commission will meet privately with rape victims.

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE
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STATEMENT OF REPRESENTATIVE STENY H. HOYER
CO-CHAIRMAN
COMMISSION ON SECURITY AND COOPERATION IN EUROPE
25 February 1993

Last month, at the Helsinki Commission's first hearing of this year on the on-going conflict in the former Yugoslavia, we heard compelling testimony regarding war crimes and the humanitarian relief efforts directed at ameliorating wide-spread suffering. Today, we revisit that issue, with special focus on the crime of systematic rape and forced impregnation.

As Dame Warburton concluded in her report on this issue for the European Community, "Given the manner in which, and the scale on which, rape is perpetrated in the Bosnia-Herzegovinian conflict, it outrages personal dignity, is a particularly humiliating and degrading treatment, and a clear form of torture." Numerous observers have already concluded that abuse perpetrated in such a manner can only be a part of an intentional campaign. Even more chilling was the confirmation by Dame Warburton that her mission "saw examples of statements and documents from Serbian sources which very clearly put such actions in the context of an expansionist strategy."

Rape, along with other war crimes, must not go unpunished. I am convinced that holding war criminals personally accountable for their actions is not only consistent with the standards we have struggled for fifty years to establish, but is essential for any long-term prospects of peace in this region. A thirst for vengeance from past wrongs has already given strong impetus to the violence we see today. This violence, I am sad to say, is now passing on a desire for vengeance to new generations that otherwise might have proceeded to build free and prosperous societies. Without giving them both the satisfaction -- and deterring example -- of justice now, we can be virtually assured that there will be more violence in the future.

I welcome our distinguished guests today and commend them for the personal courage which they have demonstrated in addressing this issue.

STATEMENT BY SENATOR FRANK R. LAUTENBERG

February 24, 1993

I am pleased that the Helsinki Commission is holding this important hearing. Because of my deep concern about systematic rape in Bosnia, I suggested that the Commission hold a hearing on this subject and I thank the Chairman for bringing us here today. I am anxious to hear what today's witnesses have to say about this deeply troubling matter.

Thousands of women and girls have been brutally raped in the conflict in the former Yugoslavia. While some abuses have been committed by all sides in the conflict, the vast majority of these crimes have been committed by Bosnian Serb soldiers against Bosnian Muslim women and young girls. In many cases, after raping these women, Serb soldiers allegedly brutally murdered them. Other Muslim women reportedly have given birth to or are pregnant with the children of their Serb rapists, and will bring these children into a society that sees them as permanent outcasts. Still countless other Muslim women and girls face a future tortured by their memories of violence.

These rapes cannot be brushed aside as an incidental effect of total warfare. Nor should they be. An interim report on rape commissioned by the European Community concluded that "rape cannot be seen as incidental to the main purposes of the (Serb) aggression but as serving a strategic purpose in itself." The recently released State Department Report on Human Rights for 1992 also said that "massive systematic rape, committed by

- 2 -

Bosnian Serb military units and prison guards, was used as an extension of 'ethnic cleansing' to terrify the population."

I believe the perpetrators of rape in the former Yugoslavia must be prosecuted in the international war crimes tribunal established by the United Nations. I also believe the United States and the international community should provide counseling and assistance to the victims of rape in the former Yugoslavia. I have been pressing the United Nations to establish such a tribunal to ensure that war crimes and crimes against humanity, including rape, will be prosecuted. I have also been urging the United States and the international community to provide counseling and assistance to victims of rape in the former Yugoslavia.

I would ask that a copy of a resolution I introduced in the Senate calling for the prosecution of the perpetrators of rape and for the provision of adequate medical and psychological treatment for rape victims be inserted in the record. The resolution has 37 cosponsors. I would also ask that a copy of a letter I and 17 of my colleagues in the Senate sent to U.N. Ambassador Albright calling for the international community to prosecute perpetrators of rape and provide assistance for rape victims be inserted in the record.

I look forward to hearing from the witnesses. A great tragedy has unfolded before the eyes of the world. Innocent people have been brutally raped and victimized. It is incumbent upon us to hear their stories and work tirelessly to ensure that these crimes cease, that the victims receive the assistance they

- 3 -

need, and that the perpetrators of this violence will be prosecuted under the international war crimes tribunal called for by the United Nations.

103D CONGRESS
1ST SESSION

S. RES. 35

Expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 5), 1993

Mr. LAUTENBERG (for himself, Mr. DOLE, Ms. MURRAY, Mr. DURENBERGER, Mr. KENNEDY, Mr. LEAHY, Mr. D'AMATO, Mr. PRESSLER, Mr. REID, Mr. CAMPBELL, Mr. PELL, Ms. MIKULSKI, Mr. RIEGLE, Mr. AKAKA, Mr. BRADLEY, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

Whereas the State Department Country Reports on Human Rights Practices for 1992 states that "massive systematic rape, committed by Bosnian Serb military units and prison guards was used as an extension of 'ethnic cleansing' to terrify the population";

Whereas a report by a European Community investigative team estimates that 20,000 women have been raped since the onset of hostilities;

Whereas women are protected against "any attack on their honour, in particular against rape, enforced prostitution,

or any form of indecent assault" under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, and are protected against "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault," under Article 4 of Protocol II Additional to the Geneva Convention, 1977;

Whereas "inhumane acts" are considered "crimes against humanity" under the London Agreement that established the guidelines for the Nuremberg Trials, and "torture or inhumane treatment" and "willfully causing great suffering or serious injury to body or health" are considered "grave breaches" of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, under Article 147 of that Convention;

Whereas rape is a deplorable and illegal act of violence in the United States and in every country in Europe;

Whereas systematic rape in the conflict in Bosnia-Herzegovina has been denounced under United Nations Security Council Resolution 798 (1992) and by the Council of Ministers of the European Community in its declaration of December 11, 1992;

Whereas former Secretary of State Lawrence Eagleburger denounced atrocities in this conflict and named individuals that should stand trial in an international court for "crimes against humanity";

Whereas on August 11, 1992, the Senate approved Senate Resolution 330, expressing the sense of the Senate that the United Nations Security Council should convene a tribunal to investigate allegations of war crimes and

crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, to charge, and to prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes; and

Whereas the United Nations Commission of Experts has been appointed to collect information and evidence for the eventual establishment of an international tribunal to prosecute war crimes under international law that are committed in this conflict: Now, therefore, be it

1 *Resolved*, That (a) the Senate considers—

2 (1) rape, whether individual or mass rape, to be
3 an unacceptable means of warfare; and

4 (2) rape and forced pregnancy to be “crimes
5 against humanity” under international law, regard-
6 less of the ethnicity or religion of the victims or the
7 perpetrators, and considers that such offenses
8 should be so recognized in any international tribunal
9 to try perpetrators of crimes against humanity and
10 war crimes.

11 (b) The Senate strongly condemns the systematic and
12 widespread rape of women and girls in Bosnia-
13 Herzegovina.

14 (c) The Senate commends—

15 (A) former Secretary of State Eagleburger for
16 denouncing “crimes against humanity” in the con-
17 flict in Bosnia-Herzegovina and for calling for an

1 international crimes tribunal to prosecute such
2 crimes; and

3 (B) the adoption of United Nations Security
4 Council Resolution 798 (1992) and the declaration
5 of December 11, 1992, of the Council of Ministers
6 of the European Community, both of which de-
7 nounced the systematic rape of Moslem women in
8 this conflict.

9 (d) It is the sense of the Senate that—

10 (1) the President of the United States should—
11 (A) publicly condemn systematic rape in
12 this conflict,

13 (B) state that rape, whether individual or
14 mass rape, and forced pregnancy, as tactics of
15 war, are crimes against humanity and war
16 crimes, and

17 (C) vigorously support the establishment
18 by the United Nations of an international tribu-
19 nal to prosecute crimes against humanity and
20 war crimes;

21 (2) the President of the United States should
22 publicly declare that the United States will offer no
23 safe haven to war criminals;

24 (3) all countries and organizations participating
25 in humanitarian relief efforts in the former Socialist

1 Federal Republic of Yugoslavia should allocate re-
2 sources for the treatment of rape victims, including
3 the training of relief workers in the medical and psy-
4 chological effects of rape;

5 (4) all parties to the conflict in Bosnia-
6 Herzegovina should immediately take steps to pro-
7 tect the rights of women and girls as recognized in
8 the Geneva Conventions and, specifically, to protect
9 them from rape, forced pregnancy, and the infliction
10 of other indignities; and

11 (5) the President of the United States should
12 urge the United Nations to provide adequate fund-
13 ing for the United Nations Commission of Experts
14 and an international tribunal for the full investiga-
15 tion and prosecution of rape.

16 SEC. 2. The Secretary of the Senate shall transmit
17 a copy of this resolution to the President of the United
18 States and the Secretary General of the United Nations.

O

FRANK R LAUTENBERG
NEW JERSEY

COMMITTEE
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HEALTHCOMMISSION

United States Senate

WASHINGTON, DC 20510-3002

February 1, 1993

The Honorable Madeleine K. Albright
United States Representative to the United Nations
799 United Nations Plaza
New York, New York 10017

Dear Ambassador Albright:

As you take on your new responsibilities as the United States Ambassador to the United Nations, we would like to take this opportunity to express our deep concern about systematic rape in Bosnia.

It is our hope that you will work vigorously in the United Nations to advance the following recommendations. First, we hope that you will work with the United Nations to ensure that rape as a tactic of warfare -- a war crime and a crime against humanity under international law -- will be prosecuted under an international war crimes tribunal established by the United Nations. Second, we hope you will work to ensure that the United Nations Commission of Experts is adequately funded, thoroughly investigates the perpetrators of rape, and that the commission membership is expanded to include a woman with relevant expertise among its membership. Third, we hope you will urge the United Nations humanitarian efforts to include medical and psychological treatment for rape victims. Finally, we hope you will work with the United Nations Commission on Human Rights toward the goal of explicitly recognizing that rape is a violation of human rights, that perpetrators must be held accountable, and that the United Nations World Conference on Human Rights will include violations of women's rights in its proceedings.

As you are no doubt aware, thousands of women and girls have been raped in the conflict in the former Yugoslavia. According to a wide range of investigators, while some abuses have been committed by all sides in the conflict, the vast majority of these crimes have been committed by Bosnian Serb soldiers against Bosnian Muslim women and young girls. In many cases, after raping these women, Serb soldiers allegedly brutally murdered them. Other Muslim women reportedly have given birth to or are pregnant with the children of their Serb rapists, and will bring these children into a society that sees them as permanent outcasts. Still countless other Muslim women and girls face a future tortured by their memories of violence.

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The Honorable Madeleine Albright
February 1, 1993
Page 2

These rapes cannot be brushed aside as an incidental effect of total warfare. An interim report on rape commissioned by the European Community concluded that "rape cannot be seen as 'incidental to the main purposes of the (Serb) aggression but as serving a strategic purpose in itself.'" The recently released State Department Report on Human Rights for 1992 also said that "massive systematic rape, committed by Bosnian Serb military units and prison guards, was used as an extension of 'ethnic cleansing' to terrify the population."

Therefore, the perpetrators of rape in the former Yugoslavia should be tried in an appropriate international war crimes tribunal established by the United Nations. We hope you will press the United Nations to establish such a tribunal to ensure that war crimes and crimes against humanity, including rape, will be prosecuted.

As you know, on October 6, the United Nations Security Council approved a resolution requesting the Secretary General to establish an impartial commission of experts to examine and analyze information relevant to violations of international humanitarian law in the former Yugoslavia. Secretary General Boutros-Boutros Ghali established a commission, and, on October 26, appointed 5 members to that commission. This commission will gather evidence that could be used to prosecute those responsible for crimes against humanity in an international war crimes tribunal. A separate Security Council resolution, 798, specifically denounced the rape of Muslim women by Bosnian Serb soldiers."

While we are pleased that a commission has been established, we are dismayed by reports from representatives of the United Nations that the commission has not been funded. We do not see how the United Nations can take the necessary steps to ensure that justice will be served if the United Nations commission charged with the mission of providing information and evidence about potential war crimes has not been adequately funded. To that end, we urge you to work to ensure that funding will be provided for this commission.

We also urge you to ensure that commission members give a high priority to investigating the perpetrators of rape. While all war crimes and crimes against humanity must be prosecuted, rape is a brutal, hateful crime that is often ignored despite its terrifying effects as a tool of war and terror.

To facilitate this investigation, we believe it would be appropriate for qualified women with relevant experience to be appointed to this commission and would urge you to press this

The Honorable Madeleine Albright
February 1, 1993
Page 3

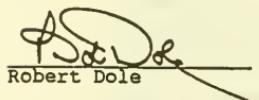
issue at the United Nations. U.N. Secretary General Boutros-Boutros Ghali has appointed five men with significant international experience to the U.N. Commission of Experts'. In light of the unique perspective that women bring to the issue of rape and the extreme sensitivity of this issue, however, we believe it would be appropriate for women to be appointed to the Commission. Regardless, qualified women experts should be integrally involved in the commission's work.

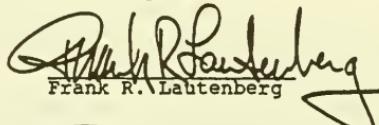
In addition, as we have called for in Senate Resolution 35 and House Resolution 32, we ask that you use your office to ensure that, to the best of its ability under the circumstances, United Nations humanitarian efforts in the former Yugoslav Republic include adequate medical and psychological treatment for rape victims in this war. Reports indicate that women and girls who have been raped and beaten are not receiving adequate attention from relief workers.

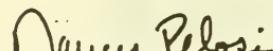
Finally, we urge you to work with the United Nations Commission on Human Rights for the passage of a resolution explicitly recognizing that rape is a violation of human rights and calling on the United Nations World Conference on Human Rights to include violations of women's rights in its proceedings. We understand that the next meeting of the United Nations Human Rights Commission is in February. This type of U.N. resolution would send an additional and important signal about the sentiment of the international community against the systematic violations of human rights.

We wish you luck in your endeavors at the United Nations and hope you will make the issues we have raised a high priority. We look forward to working with you on these and other matters in the future.

Sincerely,


Robert Dole


Frank R. Lautenberg


Nancy Pelosi


George Miller

The Honorable Madeleine Albright
February 1, 1993
Page 4

Barbara A. Mikulski Patrick Leahy
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Larry Bressler Jim Sasser
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Dave Durenberger Bob Kryeger
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Russ Feingold Clair Peacock
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The Honorable Madeleine Albright
February 1, 1993
Page 5

Donald W. Riegle, Jr.

Donald W. Riegle, Jr.

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Statement of Congresswoman Louise M. Slaughter
 before a hearing of the Helsinki Commission

February 25, 1993

I would like to thank the Chairmen, Senator DeConcini and Congressman Hoyer, for convening today's important hearing. Yesterday, we introduced the Violence Against Women Act. This afternoon, we gather to hear about the most outrageous and abhorrent kind of violence against women -- the organized, systematic and premeditated rape of our sisters in Bosnia-Herzegovina. The bodies of innocent women, and the bodies of young girls have become the spoils of war.

People who have survived the hell in Bosnia tell us that as many as 65,000 women have been raped by Serbian soldiers. No woman in the streets of Sarajevo is safe; toddlers, teenagers and elderly women alike have reportedly been victimized in this savage way. An estimated 40,000 of these rape victims have been impregnated by their torturers.

As a cosponsor of legislation in the House to condemn systematic rape in Bosnia and authorize humanitarian assistance to the victims, I was gratified by Tuesday's announcement that

the UN Human Rights Commission has singled out rape by Serbian forces in Bosnia as a war crime and that an international tribunal will be set up to try the perpetrators of this and other unspeakable atrocities.

The utter inhumanity of what is happening in the former Yugoslavia demands action by those of us in the United States who care about human rights and who still remember the horrors of genocide during World War II.

In the House of Representatives, I am proud to join with the Chairman of the Helsinki Commission, Mr. Hoyer, in cosponsoring H.Res. 35. This legislation calls for an immediate end to the international arms embargo as it applies to Bosnia-Herzegovina. Additionally, the resolution calls upon the United States to assemble a multinational coalition for the enforcement of the UN "no-fly" zone over Bosnia, the provision of humanitarian aid to civilian populations, and the release of all concentration camp detainees.

I am hopeful that, with the international outrage focussed on war crimes in Bosnia and the airdrop of relief supplies, United States policy will begin to head in the more decisive direction outlined by H.Res. 35. We must not allow the situation in Bosnia-Herzegovina to deteriorate any further; and we must not remain silent while the brutal rape of women and girls continues as some sort of demented war game.

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HUMAN SERVICES EDUCATION
AGRICULTURE
SELECT COMMITTEE ON AGING

**STATEMENT OF THE HON. ROSA L. DeLAURO
BEFORE THE FEB. 25TH HEARING OF THE HELSINKI COMMISSION**

Thank you Mr. Chairman. It is difficult to imagine that, right now, as we sit here, there is a military strategy in place in the former Yugoslavia that calls for the systematic rape of Bosnian Muslim women and girls with the explicit intention of destroying families, communities, and, perhaps, an entire culture.

Yet the rape of Muslim women is a calculated part of the overall war-fighting strategy being practiced by Serbs in Bosnia, according to a report by the European Community. It represents one of the most brutal tools which are used to promote the abhorrent policy of "ethnic cleansing." That any one could conceive of such a strategy defies the imagination. Yet estimates are that between 20,000 and 60,000 women have already been victimized in this way.

This is a practice that in its essence is meant to rob women of their dignity, break the sacred bond of a family, and shred the moral fabric of an entire people.

I deeply appreciate the efforts of the two women before this panel here today - - Ms. Bianca Jagger, and Ms. Feryal Gharahi -- to bring this issue before us and before the public. Their experiences in the former Yugoslavia, their interviews with victims of the policy of systematic rape, and their overall view of the conflict are of great interest to us.

I would also like to thank them for bringing with them two remarkably courageous women -- women who have suffered as victims of rape in Bosnia, and who have come thousands of miles to relate their experiences to us in the hopes that the suffering of others may be prevented.

I want to assure these women that we will do everything we can to bring an end to the suffering of the people of Bosnia; that we will search out and prosecute as war criminals those responsible for the developing and carrying out of the policy of systematic rape; and that we will work to see that aid, comfort and counseling are provided for the victims of these horrific crimes.

STATEMENT OF BIANCA JAGGER

Mr. Chairman, members of the commission:

Thank you for the opportunity to address you on the crisis in the Balkans. I have just returned from Bosnia-Herzegovina, Croatia and Serbian-occupied territories. My trip began against a backdrop of the shelling of Bosnia-Herzegovina. It is now fifteen days later and the shelling continues. Indeed, the shelling has intensified.

I traveled through the former Yugoslavia with United Nations High Commissioner for Refugees (UNHCR) personnel. For months now, the UNHCR United Nations staff and NGO's have been risking their lives in former Yugoslavia to deliver humanitarian assistance to more than 3 million refugees and besieged, displaced residents in the middle of a war.

I was in Bosnia-Herzegovina when the crisis was precipitated by the Bosnian government appeal to the UNHCR to get an urgently needed relief convoy to Cerska, a community of about 35,000 Muslims that had been completely cut off by Serbian forces from food, medicine and other humanitarian relief since last April.

For months, the Bosnian Serbs have been refusing to give humanitarian convoys access to more than 200,000 people besieged in Gorazda, Zepa, Srebrenica and several other towns in order to starve people out of their homes. They are forcing the residents of these towns to leave or to be killed by indiscriminate shelling, sniper fire or blockades that cause starvation and public health disasters -- in other words, the strategy of Ethnic cleansing.

In early January, nearly 5,000 civilians on the brink of starvation, some losing their fingers and toes due to frostbite, were forced to evacuate Cerska by foot along frozen paths through the hills. An unknown number died en route. There are reports of another 5,000 civilians in Srebrenica waiting to come out.

On the 11th of February, United Nations High Commissioner for Refugees Sadako Ogata condemned the Bosnian Serb police for denying humanitarian convoys access to besieged enclaves. In a letter to the leader of the Bosnian Serbs, Radovan Karadzic, Mrs. Ogata said UNHCR had been pressing for weeks for clearance to deliver aid to the enclaves, where civilians "are suffering untold hardship due to the military blockade. Victims do have a right to receive international assistance in their place of residence." Mrs. Ogata reminded Dr. Karadzic of his repeated assurance that humanitarian convoys would be guaranteed unhindered safe passage.

In an attempt to draw world attention to the suffering of the inhabitants of the besieged Eastern Enclaves, the Bosnian government and the local authorities decided to refuse the distribution of food and medicine to the 380,000 people of the besieged city of Sarajevo. The decision of Mrs. Ogata to suspend virtually all humanitarian relief to Bosnia-Herzegovina on February 17 was a desperate step that reflects a desperate reality. In my view the UNHCR acted in this way because it is not possible to carry out the agency's crucial humanitarian tasks solely by humanitarian means. The UNPROFOR deployment is not able to maintain an open corridor for the passage of humanitarian assistance, even under the new mandate of Article 7, due to the woefully inadequate force level. No UN mandate can solve the problem unless the international community is prepared to implement Security Council Resolution 770 (use of all necessary means) to deliver humanitarian aid.

Today's status quo in Bosnia-Herzegovina is unacceptable. Serbian forces in conjunction with the Yugoslav Army have an enormous military advantage. To deter further Serbian aggression, the following steps are needed:

1. Impound heavy weapons.
2. Enforce no-shelling and no-flight orders.
3. Establish greater UN presence and greater assets with US troop participation .
4. Deploy UNPROFOR forces in key military positions.

Failure to implement these steps will leave no other recourse than to lift the arms embargo so that the Bosnians can exercise their right to self defense in accordance with the UN Charter.

In the thirteen days since Secretary Christopher's statement, the US has taken no action to assist the humanitarian effort in Bosnia-Herzegovina or to enhance protection for the UN efforts. Furthermore, the Secretary's statement was unfortunately perceived by Serbians as a green light for escalating the aggression and besieging the civilian population of Bosnia-Herzegovina with increased brutality. The Bosnian Government and Muslim people perceived the Secretary's statement as a signal that the world has forsaken them and that all they have left is to die with dignity. Over and over again in the most remote places, in refugee camps, in hospitals and in Sarajevo, men, women and children ask me "Why has President Clinton abandoned us?" I told them repeatedly that I was certain that President Clinton and the American people will not allow genocide to go on without taking concrete steps to stop it. I am here because I believe that you will not allow the deliberate extinction of any ethnic group because of their religious beliefs. After months of ineffective negotiations, broken agreements and violated cease fires, the aggression consistently has escalated. The process and the formula it has produced are fundamentally flawed.

The Vance Owen plan holds no real promise of peace, and I will dare say it holds the seeds of renewed violence and terror. The plan has been conceived solely on ethnic criteria. The regions have been divided according to race predominance. The Vance Owen plan overlooks geographic, historic, economic and cultural factors. Americans cannot stand by the British approach of "Divide and Govern." Instead of responding to naked aggression, the UN-sponsored process has increasingly delivered a series of concessions and rewards to the aggressor, further victimizing the victims.

Let me review the story of these many months of negotiations for which the London Conference did produce an agreement. The agreement was designed to guarantee the minimal conditions for the survival of the citizens of Bosnia-Herzegovina. The Geneva talks were to begin as the provisions agreed to in London were to be implemented.

Foremost among these provisions were:

1. Establishing an air-exclusion zone.
2. Placing heavy weapons under international control.
3. Securing convoys carrying humanitarian aid.
4. Opening of Tuzla airport..
5. Facilitating return of refugees to their homes
6. Unconditional release of all civilians detained and the closure of all detention camps.
7. Lifting of the siege.
8. An end to ethnic cleansing.

All sides formally accepted these provisions. The talks in Geneva went on without implementation of the London agreement provisions. The talks proceeded side by side with the continued genocide of the people of Bosnia-Herzegovina. Furthermore, the talks legitimize the Bosnian Serbs on the basis of superior military strength. The Geneva talks have given the aggressor time to try to complete its war plan.

Following my trip, I am convinced that mass rapes are being used as a weapon of war in a systematic campaign of ethnic cleansing by the Serbs. Unless the criminals are held accountable under the Geneva Convention before an international war tribunal, the entire Serbian nation will bear responsibility throughout history.

It will be a tragedy if, after all the negotiations and after all the involvement of the UN, the end result was simply to put a stamp of legitimacy upon rewards of aggression. There are critical issues of principle/democracy, human rights and sovereignty, as well as crime against humanity, to which the US cannot afford to turn a blind eye.

In this war, civilians are the specific focus and primary target of violence. The enormity of the suffering inflicted on the civilian population in this conflict defies expression. Approximately 80% of the injured are civilians and 20% belong to other groups and soldiers. However, it should be emphasized that children comprise 15% of the wounded, and in the last few weeks that number has increased.

The conflict in Bosnia-Herzegovina has entailed widespread destruction of life, acts of unspeakable brutality, killing, mutilation and disappearances. In his attempt to create "ethnically clean Serbian territories" and to exterminate non-Serbian populations, the aggressor established a great number of concentration camps, gathering centers and prisons for torture and liquidation of non Serbian civilian population in the municipalities where Muslim and Croats were the major population.

The aggressor pursues tens of thousands of civilians, capturing them in the streets, houses, schools, and taking them to concentration camps and prisons. The camps are placed in different facilities such as sports, school, medical, recreation, and catering establishments; factory premises, hotels, state prisons, blockhouses, tunnels, warehouses, distribution centers, railway stations, mines, old pits, garages, cellars, etc.

The majority of the captives are the civilians who survived terrorist attacks on towns and settlements populated mainly by Croats and Muslims after which they are taken by force to local stadiums and other facilities and selected according to their nationality and age. Men are separated from women and children. By this ethnic cleansing of the occupied territories, the aggressor changes the demographic structure of Bosnia-Herzegovina by force, thus realizing his plan to create "Greater Serbia." He plans to establish a Serbian state within Bosnia-Herzegovina in the occupied territory from which he forcefully displaced Muslim and Croats. Many cities such as Sarajevo, Gorazde, Gradačac, Jajce and others have been besieged and savagely demolished by the aggressor for months, and they represent a concentration camp with greater number of captured civilians.

Even though the proportions of the horrible crimes committed in the camps and prisons have not been fully known, according to the data gathered so far, it is clear that the prisoners and captives were exposed to the most brutal methods of physical and psychological torture and killing. Namely, the aggressor continually and bestially beats the captives in the most cruel way -- using unseen methods: sticks, irons, wood rods, chains, whips with iron balls on top, metal rollers, feet, butt-ends specially for hitting them on their heads, kidneys and testicles -- until the captives lose consciousness .

On many captives' hands, foreheads and faces the Chetniks make the sign of a cross and the letter "V" while holding their knives in the captives' mouths or on

their throats, threatening them with slaughter. They also push iron rods into the captives' mouths; throw them into fire; stab them with bayonets; break their teeth; take by force their money and jewelry; force them to lick blood from the floor, cross themselves, swallow pieces of glass, grunt like pigs, eat cigarette butts and make holes in their ears; force the men into unnatural obscene acts, cut their genitals, and take them to force of labours.

Liquidation of captives and prisoners in camps and prisons has been documented. Many civilians have been taken from camps into unknown directions and their destiny is not known. Many captives and prisoners have been starved to death. And there are the TV images of those suffering men with "alive corpses" eyes wide open with hunger and illness taken in the concentration camps in Omarska and Manjeka. Those appeared in the month of August, shocking the entire world. Many of the captives looked like living corpses and resemble those from the NAZI camps during World War II.

I know of your concern for the people of Bosnia-Herzegovina. I do hope you find a satisfactory solution.

EC INVESTIGATIVE MISSION INTO THE TREATMENT OF MUSLIM
WOMEN IN THE FORMER YUGOSLAVIA.

REPORT TO EC FOREIGN MINISTERS

Mandate of the Mission

1. The European Council, at its meeting in Edinburgh (on 11-12 December) discussed the increasingly alarming reports of the treatment of Muslim women in Bosnia-Herzegovina and called for the rapid despatch of a delegation to investigate the facts and to report back urgently to Foreign Ministers with recommendations on the action which might subsequently be taken.
2. The Mission feels it must record criticisms expressed to it that its terms of reference were too restrictive. While fully respecting the terms of its mandate, the Mission heard statements that similar abuses - though of a smaller scale - had been committed against other groups in the former Yugoslavia. This aspect is considered in more detail in paragraph 9.

Composition and Working Methods of the Mission

3. To initiate implementation of the Council mandate as rapidly as possible, a small team met for initial briefings with the major international humanitarian agencies in Geneva, and then travelled to Zagreb for in-depth investigations (20-24 December 1992). Following this first visit and in the light of the Mission's preliminary report, it was decided that a further visit to the former Yugoslavia should be undertaken at an early date with the active participation of additional interested member States. This expanded Mission met in Zagreb from 19-21 January; the team of experts proceeded to Bosnia-Herzegovina from 22-26 January.
4. On both visits to Zagreb, the Mission met a wide range of interlocutors. These included leaders of the Catholic and Muslim religious communities, field staff of the main international agencies and representatives of both Croatian and Bosnian governmental and non-governmental organisations, including various women's groups. Contacts were also made at political level with the Croatian government. Additionally, delegates visited refugee centres both in Croatia and Bosnia-Herzegovina. While in Zagreb, the medical and social development experts on the Mission visited a number of hospitals and held discussions with experts in gynaecology and mental health. They also conducted a small number of in-depth interviews with individual victims and eye-witnesses of human rights violations in Bosnia-Herzegovina. The Mission furthermore examined a considerable amount of documentation detailing the process of clearing villages. Contact was also had in Zagreb during the Mission's second visit with US government officials currently assessing the possibility of future provision of aid.
5. In Bosnia-Herzegovina, the expert team was based in Zenica where it visited a number of shelters for displaced persons, the hospital, and food distribution centres. Delegates had discussions

with the local centre for the investigation of war crimes, senior psychiatric and gynaecological staff, and field staff of international and other relief agencies. A brief visit to the hospital and the main refugee centre in Travnik and discussions with representatives from Tuzla were also possible. The Mission greatly appreciated the protection and assistance afforded it on the ground in central Bosnia-Herzegovina by UNPROFOR and UNHCR.

6. This is a composite report on both visits. On the whole the second visit confirmed the Mission's earlier findings. Where necessary the present report elaborates or amplifies aspects of the Mission's preliminary report to take account of further information and impressions gained.

General Considerations

7. The conflict in Bosnia-Herzegovina has entailed widespread destruction of life and property, acts of unspeakable brutality and mutilation in contravention of international human rights standards and international humanitarian law. Rape and sexual abuse must be considered in the same context and cannot be seen in isolation from these other atrocities. Given the manner in which, and the scale on which, rape is perpetrated in the Bosnia-Herzegovinian conflict, it outrages personal dignity, is a particularly humiliating and degrading treatment, and a clear form of torture.

8. Additionally, rape is a violation of a woman's physical and psychological integrity and the crime carries with it a formidable social stigma. For many Muslim women this may lead to social marginalisation and rejection by their former communities, unless there is positive action to counteract this. The Mission was glad to note that priority is increasingly being given to education in this sense.

9. The Mission was fully conscious that its mandate focused on the investigation of alleged abuses against Muslim women in Bosnia-Herzegovina. However, the Mission considers it important to place on record its view that rape and sexual abuse are restricted by neither nationality nor gender. That Bosnia-Herzegovinian Muslim women form the vast majority of the victims of rape is explicable in terms of the intensity and pattern of the conflict. The thrust of Bosnia-Herzegovinian Serb attacks have concentrated on areas with a large Muslim population such as the Brcko region (44% Muslim), the Drina valley (Zvornik - 60%, Bratunac - 64%, Srebrenice - 74%, Visegrad - 63%, Gorazde 70% & Foca - 51%) and the Prijedor area (44% Muslim) in an effort to carve out ethnically homogeneous territory between Serbia and the Serbian areas of occupied Bosnia-Herzegovina and Croatia. This is not to ignore the fact that there are many and disturbing reports of rape of Croat and Serbian women and children, as well as sexual abuse of men in detention camps. The Mission therefore has to emphasise that all those who are victims of this appalling conflict must be the concern of the international community.

10. In approaching its task, the Mission was keenly aware of the serious constraints on any scientifically based analysis in the conditions prevailing in Bosnia-Herzegovina and in Croatia. Approximately 70% of Bosnia-Herzegovinian territory is in Serbian

control and it is extremely difficult for the international agencies to work in these areas. UNHCR estimates that over 2.6 million persons were displaced by November 1992: 670,000 of them in Croatia, of whom 370,000 are Bosnian Muslims, and 500,000 elsewhere in Europe. Given this massive displacement and the intensity of the ongoing conflict, accurate statistics on killings, disappearances, and other atrocities - including rape - are not available. The inherent difficulties involved in compiling statistics on rape and other sexual abuse have been hugely accentuated in the current chaotic conditions.

11. Some interlocutors, particularly among women's group, were critical of what they perceived as the failure of European governments to bring about an effective end to the conflict in the former Yugoslavia. During the Mission's second visit the current peace negotiations in Geneva appeared to have softened attitudes. Nevertheless the point was repeatedly made that humanitarian aid, while necessary and welcome, left unresolved the central political issue of how to end the conflict.

12. The delegation was careful, in conducting its work, to allow for possible exaggeration or an element of propaganda in some of the information presented to it.

Findings

13. Within the limitations outlined above, the Mission sought to arrive at a view (i) as to the scale of the problem and (ii) whether or not the rape of Muslim women could be described as "systematic". On the basis of its investigations the Mission is satisfied that the rape of Muslim women has been - and perhaps still is - perpetrated on a wide scale and in such a way as to be part of a clearly recognisable pattern, sufficient to form an important element of war strategy.

(i) Scale of the problem

14. The general view expressed by interlocutors whom the Mission considered responsible and credible was that a horrifying number of Muslim women had been raped and that this was continuing, if on a smaller scale than during the summer. It will probably never be possible to calculate precisely the number of victims involved. Direct evidence from victims is extremely difficult to obtain. Women are understandably reluctant to recall details of the atrocities done to them and many may refer to their own experiences in the third person. However, on the basis of its investigations, the Mission accepts that it is possible to speak in terms of many thousands. Estimates vary widely, ranging from 10,000 to as many as 60,000. The most reasoned estimates suggested to the Mission place the number of victims at around 20,000.

15. The enormity of the suffering being inflicted on the civilian population in this conflict defies expression. Indications are that at least some of the rapes have been committed in particularly sadistic ways, so as to inflict maximum humiliation on the victims, on their family, and on the whole community. In many cases

there seems little doubt that the intention is deliberately to make women pregnant and then to detain them until pregnancy is far enough advanced to make termination impossible, as an additional form of humiliation and constant reminder of the abuse done to them.

16. The Mission repeatedly heard accounts - including direct testimonies from a small number of victims - of multiple rapes against women in small centres (variously described as rape camps or "bordello") located in schools, police stations, hotel restaurants etc. It is, however, not possible to speak authoritatively of the situation in parts of eastern Bosnia-Herzegovina where reports suggest there may be larger concentrations of women in detention centres. Satisfactory verification of such reports by the relevant international agencies has not been possible, particularly for the period May/June 1992, to which a great many reports refer. Certain of these purported centres are located in areas currently inaccessible to international investigation. On-site verification is also severely handicapped by the practical impossibility of unannounced inspections, which provides the opportunity for the removal of evidence. Experience would also suggest that once the existence of such centres becomes public knowledge, they tend to be closed down. The Mission, in looking at the issue of on-site inspections, was also guided by advice received locally which stressed the need, in pressing such action, to have regard for the welfare of women so detained.

17. The Mission found it difficult to obtain more than approximate indications of the number of Muslim women pregnant as a result of rape. One estimate, based on an indicative figure of 20,000 women raped, suggested a possible figure of 1,000 pregnancies. A precise figure may never be ascertained, as there is strong evidence that many victims made pregnant by force and fearing possible rejection by their communities, choose to terminate the pregnancy. This is a major reason, too, for uncertainty as to the number of births which may result from rape. For these women who have been held captive beyond the legal period for termination in both Croatia and Bosnia-Herzegovina, the indications are that few, if any, are likely to wish to keep children conceived under such circumstances. The Bosnian preference is that these children be brought up in Bosnia-Herzegovina. Adoption in Croatia is impossible because they are citizens of Bosnia-Herzegovina and there currently exists no legal provision between Croatia and Bosnia-Herzegovina to cover adoption including adoption abroad. It is understood, however, that work is being undertaken in this area. The Mission is of the view that the question of adoption abroad must be handled sensitively in close consultation with both the Croatian and Bosnia-Herzegovinian government authorities, and in the best interests of the child. Foreign adoptions should, in general, only be considered in circumstances where local adoption is impractical and where the alternative is institutionalisation.

(iii) The "systematic" nature of the rapes:

18. A high incidence of rape is commonly associated with conflict situation. Accordingly the delegation examined the hypothesis that rape in Bosnia-Herzegovina should be viewed as a by-product of war

rather than as a "systematic" abuse taking place on the instructions of or under the direction of the commanding authorities.

19. Throughout its work, however, the delegation frequently heard - including from several individual witnesses and sources - that a repeated feature of Serbian attacks on Muslim towns and villages was the use of rape, often in public, or the threat of rape, as weapon of war to force the population to leave their homes. Probably in most cases, other forms of physical and mental violence to persons were associated with rape, accompanied or followed by the destruction of homes, mosques and churches. The Mission saw examples of statements and documents from Serbian sources which very clearly put such actions in the context of an expansionist strategy.

20. Overall, the Mission accepted the view that rape is part of a pattern of abuse, usually perpetrated with the conscious intention of demoralising and terrorising communities, driving them from their home regions and demonstrating the power of the invading forces. Viewed in this way, rape cannot be seen as incidental to the main purpose of the aggression but as serving a strategic purpose in itself. While the Mission was in no doubt that the conflict provides a cloak for criminality of all sorts, it felt that the type and scale of rapes being reported point towards a deliberate pattern.

(iii) Health and Social Development Findings

Croatia & Bosnia-Herzegovina

21. The Mission was impressed by the great efforts being made by those involved in bringing assistance and comfort to refugees and displaced persons wherever it met them. Whether nationals of the countries in conflict or internationally recruited, they are at full stretch. Improvement in the quantity and quality of the provision for, notably, women victims can only be achieved with better coordination and facilitation of governmental, non-governmental and private efforts and carefully targeted additions to resources - including staffing. Improved political stability would simplify the task, but greater support is anyway needed.

22. In considering the special needs in the fields of health and social support of Bosnian Muslim women who have been victims of atrocities, the Mission unavoidably dealt with much which applies to the wider refugee population too. We therefore emphasise the particular vulnerability of these women. They need - and by no means always get - protection and often priority in the provision of humanitarian assistance.

23. The Mission found that one of the main needs of refugees and displaced persons was space. For women, in particular, who live for months in places where 200 or more men, women and children have only a bed or mattress in a row as their living space, recovery from trauma is impossible.

24. On the other hand, both in Croatia and Bosnia-Herzegovina, the Mission encountered an understandable reluctance to envisage new

accommodation and other facilities, e.g. medical care, that might delay the return of refugees and displaced persons to their place of origin, the generally accepted goal. Hence the Mission recommends that, wherever possible mobility should be the keynote in making such a provision.

Bosnia-Herzegovina

25. In the refugee camps the main problems the delegations identified were the lack of sanitation, overcrowding in damp, dirty and lice infested conditions, no separate accommodation for women or for families and the possibility of the rapid spread of contagious diseases particularly in the summer months. Food provision was inadequate with little nutritional value. There is no special food provision for women with special needs e.g. pregnant women, women with new born babies and toddlers and no access to specialised baby foods. No activities are organised for women or children.

26. In the Hospitals the Mission identified problems within current health care provision in free Bosnia-Herzegovina including a lack of basic facilities and equipment. Many staff are working in dangerous and difficult conditions over long and exhausting hours. They are required to take on increased numbers of patients, are not receiving regular salary and often go without food. They constantly have to make difficult ethical and moral judgements about the relative priorities of health requirements. The lack of appropriate drugs for many physical and psychiatric conditions leads to higher rates of mortality amongst vulnerable patient groups including higher rates of perinatal mortality.

27. There is a general problem of ensuring access, both to the hospital by patients and to patients by health professionals. These difficulties are most acute for less mobile individuals e.g. women with children, pregnant women, elderly population and women who may be traumatised through their experiences in the conflict, including rape and sexual abuse. The problem of early discharge of patients from hospital, including newly delivered mothers, alongside the lack of follow up provision and community based care means the continuation of considerable untreated pathology in these patients.

Recommendations

(i) Coordination

28. The Mission sees an urgent need for careful and extended matching of offers of assistance with the needs and capabilities of organisations who could implement that aid. A clearing house (possibly under UN auspices) which could assist governmental, non-governmental and private organisations in ascertaining both what is required and to whom they can give it would be a considerable contribution. The Mission suggests that the EC Commission should seriously consider establishing a presence in the area for a period to serve as a co-ordinating focus for the Community within this wider framework.

29. The Mission hopes that Ministers will find it possible to decide on a practical and urgent response by the European Community and member States to the problems outlined in this report. Using the work of this delegation and others, the Mission suggests that a meeting is urgently organised with the help of the Community which would allow a follow up of the main assistance recommendations with as wide a participation as possible (including other governments who are actively concerned with the question). This would involve EC member States and the relevant organs of the Community, and would be aimed at assisting UN bodies such as UNHCR, WHO (both European and Regional offices), International NGO's, and the host governments. Appointed experts from member states could help the meeting set an overall financial framework for initiatives, and could be charged with developing a detailed costing of programmes of assistance. Such a meeting should be organised as early as possible in February.

(ii) Health & Social Development Recommendations for Bosnia Herzegovian Muslim Women.

30. The issues which came to the fore in attempting to assist the victims of rape were mobility and space. The particular nature of Bosnia-Herzegovinian topography has both aided the perpetrators in accomplishing their acts and hindered the victims in seeking assistance. There is a pressing need everywhere for physical facilities to be built, whether to house medical help or to provide space for living, counselling or after-care. Many of the initiatives that might help with the provision of space and mobility are presented in the second annex to this report.

31. Raped women require a range of skilled psychological therapies, which take into account the complex and long term nature of problems experienced, the reluctance to disclose sexual violation, the social stigma associated with rape, the unwillingness of women to seek out help and the fact that they do not wish to be readily identified as rape victims. It is therefore essential to emphasise the relatedness of rape to other forms of physical and psychological trauma and that rape services should be provided alongside other similar counselling services.

Croatia

32. It is important that help must be provided in 3 phases: immediate, medium-term & long-term to specific target groups. The immediate aid should include screening procedures and counselling by cross disciplinary teams in local communities (refugee camps, hostels, neighbourhood, hospitals) along the lines of models observed in camps for Croatian refugees. It should aim to activate refugees by creating self-support groups. There is also an urgent need for psychiatric liaison between gynaecological departments, other medical departments and psychiatric/psychological departments. Gynaecological services, including pre- and ante-natal care and facilities for termination of pregnancy, if needed, are also a matter of urgency.

33. In the medium to long term there is a clear need for educational material to be created and disseminated: information material produced by experts from community countries: leaflets, booklets, radio, TV and educational seminars for different professional and volunteer groups, by experts from member states. This help should also include supervision and support of field services by expert teams. Rehabilitation must be the aim of long term assistance, and this again should include educational programmes, and occupational schemes to provide the grounds for sustainable redevelopment.

34. The Mission was aware that a large number of illegal refugees and displaced persons in Croatia have difficulties in gaining access to the health system, despite the great efforts of the Croatian authorities to cover their needs. This aggravates further the position of the victims of rape & abuse who desperately need easily accessible and qualified help.

Bosnia

35. It is essential in the medium term to remove certain vulnerable individuals from the conditions of the refugee camps. In particular, women with children, pregnant women and women who have already been subjected to a variety of trauma and abuse. The removal of such individuals to more tolerable conditions cannot be achieved in the immediate term.

36. In the immediate future certain basic conditions must be met to alleviate current hardships. These basic needs include; proper sanitation and washing facilities to be installed at all refugee centres in Bosnia-Herzegovina, ensuring adequate nutrition is provided to these centres, particularly to the vulnerable groups. The provision of adequate health care to women in refugee centres by mobile units which would include screening for medical and psychological pathology, family planning, prenatal and postnatal care.

37. The Mission, taking the problems of mobility into account, emphasises that the rapid establishment of an emergency ambulance service would improve the accessibility of health facilities for the refugee and displaced persons population in the area of Bosnia-Herzegovina. This service should include mobile medical teams consisting of specially trained medical or paramedical and nursing staff.

38. These teams should target services for traumatised and vulnerable women: screening for acute medical and psychological pathology, first aid, follow up treatment (including the provision of drugs) and health education. The mobile units should be linked to the major hospitals in Bosnia-Herzegovina i.e. Sarajevo, Zenica, Travnik and Tuzla.

39. The Mission also sees as essential the provision of information leaflets describing the symptoms of stress, the effects of trauma, outlining the methods of contacting sources of help and obtaining further information. These should be distributed to refugee centres, hospitals, schools, cultural and religious centres, amongst others.

40. The Mission recommends that more appropriate and acceptable housing be provided for the most traumatised women amongst the refugee and displaced persons population. To this end we recommend the model of housing development being provided by Norwegian People's Aid in Zenica.

(iii) Measures for EC Member States

41. It is suggested that Community government receiving Bosnia Herzegovinian refugees, and particularly Muslim women who have suffered rape, should ensure that their visa procedures are as rapid as possible. In addition, government should consider the possibility of making places available for Bosnia-Herzegovinian Muslim women, especially those needing medical treatment, to enter their countries on a temporary basis.

(iv) War Crimes and support for documentary evidence.

42. The Mission is aware of work currently under way in the UN and elsewhere in this area. It notes existing provisions under the Geneva Conventions and Protocols for the protection of women against rape, enforced prostitution or any form of indecent assault. Practised on the scale and for the purposes witnessed against Muslim in Bosnia-Herzegovina, the Mission believes there is now a strong case for clearly identifying these abuses as war crimes, irrespective of whether they occur in national or international conflicts.

43. The Mission wishes to emphasise that those bodies, whether officially sponsored or not, already seeking to assemble and collate documentary evidence within Bosnia-Herzegovina and other parts of former Yugoslavia, are in great need of funds even for basic office equipment and supplies and transport. To pursue the search for firm evidence against those responsible for allowing such abuse of women, both through these Centres and in the area where the abuse has happened, would seem a matter of urgency.

44. The Mission hopes that the above recommendations will allow Ministers to launch an effective programme of relief and assistance to victims, in addition to any other initiatives at political level which Ministers might decide upon.



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ANNEX 1: MISSION PARTICIPANTS

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